

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,)	
)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 04-10402-NMG
)	
)	
FIRST HARTFORD CORPORATION,)	
)	
<i>Defendant.</i>)	
)	

**DEFENDANT FIRST HARTFORD CORPORATION'S UNOPPOSED
MOTION TO POSTPONE FINAL PRETRIAL CONFERENCE**

Defendant First Hartford Corporation respectfully moves this Court for a brief postponement of the final pretrial conference currently scheduled for June 16, 2005. FHC requests that the Court postpone the final pretrial conference until June 28, June 30, July 1, or any day during the week of July 11, 2005, due to the trial schedule of FHC's counsel.¹ In support of this motion, FHC notes that no trial date has been set for this action, and thus no prejudice to either party would result from a brief postponement of the final pretrial conference.² FHC further notes that Plaintiff does not intend to oppose this request.

¹ FHC's counsel is scheduled to begin a trial on June 6, 2005 in Massachusetts Superior Court in an action styled Theater Management Group, Inc. v. Daylor Consulting Group, Inc., Civil Action No. 04-0858-BLS2.

² In addition to filing the instant motion, on this day FHC is also filing a motion to consolidate the above entitled action, Richard E. Kaplan v. First Hartford Corporation, Civil Action No. 04-10402-NMG with Richard E. Kaplan v. First Hartford Corporation, Civil Action No. 05-10320-NMG, for all purposes, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

WHEREFORE, FHC moves that this Court to grant its Motion to Postpone Final Pretrial Conference until one of the above requested dates.

Respectfully submitted,

FIRST HARTFORD CORPORATION

By its attorneys,

/s/ Jonathan I. Handler
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-and-

John B. Nolan (admitted *pro hac vice*)
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Dated: May 27, 2004

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I, Jonathan I. Handler, counsel for the Defendant, First Hartford Corporation, hereby certify that I conferred with Larry C. Kenna, counsel for Plaintiff Richard E. Kaplan, in a good faith effort to resolve or narrow the issues raised by this motion, and that he stated that while Plaintiff is not interested in postponing the final pretrial conference, Plaintiff will not oppose FHC's motion to do so.

/s/ Jonathan I. Handler
Jonathan I. Handler

CERTIFICATE OF SERVICE

I, Jonathan I. Handler, hereby certify that on this 27th day of May, I served a true and correct copy of the foregoing *Motion to Consolidate* via first class mail on Larry C. Kenna, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts, 02109.

/s/ Jonathan I. Handler
Jonathan I. Handler